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SUPERFUND PROGRAM
MANAGEMENT BRANCH

September 30, 1993

Marsha A. Adams
5 HSM-5J
Responsible Party Search Section
United States Environmental
Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Re: Request for Information Pursuant to
Section 104(e) of CERCLA for the Stickney
Avenue Landfill and Tyler Street Dump
Sites in Toledo, Ohio

Dear Ms. Adams:

Enclosed find the Responses of Flower Hospital
(formerly known as Flower Memorial Hospital) to the
United States Environmental Protection Agency Request
for Information Pursuant to Section 104(e) of CERCLA.
These responses are submitted on this date pursuant to
an extension of time granted by you as confirmed by my
correspondence to you dated September 15, 1993, a copy
of which is enclosed.

Very truly yours,


Gary O. Sommer

GOS:dls
cc: Linda M. Rubin (w/enc.)
Christine Demko (w/enc.)
F-37-699

1 ALSO SUBMITTED IN MICHIGAN

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EPA Region 5 Records Ctr.



339237

**RESPONSES OF FLOWER HOSPITAL TO
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REQUEST
FOR INFORMATION PURSUANT TO SECTION 104(e)
OF CERCLA FOR THE STICKNEY AVENUE LANDFILL AND THE
TYLER STREET DUMP SITES IN TOLEDO, OHIO**

Flower Hospital, formerly known as Flower Memorial Hospital, (hereinafter "Respondent") hereby responds to the Request for Information Pursuant to Section 104(e) of CERCLA for the Stickney Avenue Landfill and Tyler Street Dump Sites in Toledo, Ohio (hereinafter referred to as "Information Requests").

PLEASE NOTE:

1. The timing of Respondent's Responses to the Information Requests is governed by an extension of time granted by Marsha A. Adams, a representative of the United States Environmental Protection Agency, to Respondent's attorney Gary O. Sommer during a telephonic communication which took place September 15, 1993 during which it was agreed that Respondent's Responses to the Information Requests would be made on September 30, 1993.

2. Commensurate with the time available to respond to the Information Requests, Respondent has conducted a diligent record search and has engaged in a diligent interviewing process with present and former employees who may have knowledge of the operations and the generation, transportation, treatment, disposal or other handling of waste by the Respondent during the time period of 1951 to 1981 (hereinafter the "Relevant Period"). Respondent's investigation of these matters is ongoing.

Respondent reserves the right to supplement, amend, expand or otherwise make changes to these Responses and to provide additional supporting documentation, affidavits and other materials as may be appropriate.

3. At the present time, Respondent has no information which either confirms or disproves that any Hospital Waste (as that term is defined below) produced, formulated, processed, used or otherwise handled by Respondent may ultimately have found its way to either the Stickney Avenue Landfill or Tyler Street Dump Sites (hereinafter the "Sites").

4. Respondent hereby objects to all of the Information Requests to the extent that they (1) seek information which could not reasonably be obtained or assembled by Respondent during the time period permitted for Respondent's response to these Information Request; (2) seek information or documents beyond the Relevant Period as defined above and/or (3) seek disclosure of information or documents which are privileged against disclosure under the attorney/client privilege or the attorney/work product privilege, on the grounds that, so construed, the Information Requests would be unduly burdensome and oppressive, and would seek irrelevant information and/or information otherwise not appropriate under the terms of CERCLA Section 104(e).

5. As used herein, "Hospital Waste" refers to wastes of a nature commonly generated by community hospitals like Respondent during the Relevant Period. Such Hospital Waste is believed by Respondent to have consisted during the Relevant Period chiefly

of wastepaper, food service wastes, discarded floral arrangements, unusable cloth items (such as worn bandages or linens), broken glass, empty containers, and possibly, incinerator ash. Hospital Waste as generated by this Respondent would not have included human body parts or similar pathological materials. Such items were buried in area cemetery facilities. Radioactive wastes and used X-ray film were also disposed of by a different method and would not have been included in Hospital Waste.

6. As used herein, "Hospital Supplies" refers to those goods commonly used by community hospitals like Respondent during the Relevant Period in the course of their normal operations. Such Hospital Supplies during the Relevant Period are believed by this Respondent to have consisted chiefly of paper products, food, medications, anesthetics, bandages, linens, surgical supplies, common office supplies, cleaning solutions, disinfectants and other cleaning supplies, blood, plasma and similar biologicals, x-ray film, maintenance supplies (such as wood, glass, paint, lubricants, plaster, glue, nails, screws, and other fasteners), lab chemicals and fuel.

RESPONSES

1. Identify all persons consulted in the preparation of the answers to these Information Requests.

- a. Gary O. Sommer, Esq.
Legal Counsel
Watkins, Bates & Carey
1200 Fifth Third Center
608 Madison Avenue
Toledo, Ohio 43604-1157
(419) 241-2100
- b. Jack Smith
Director of Facilities Engineering
Flower Hospital
5200 Harroun Road
Sylvania, Ohio 43560
(419) 824-1091
- c. Linda Rubin
Director of Risk Management
Flower Hospital
5200 Harroun Road
Sylvania, Ohio 43560
(419) 824-1842
- d. Lois Stroh
Former Materials Manager at Flower Hospital
Medicare Equipment Supply Co.
2110 West Central Avenue
Toledo, Ohio
(419) 472-8080
- e. Ellen Trumbull
Director of Finance
Flower Hospital
5200 Harroun Road
Sylvania, Ohio 43560
(419) 824-1875
- f. Chris Demko
Administrative Fellow
Flower Hospital
5200 Harroun Road
Sylvania, Ohio 43560
(419) 824-1844

- g. Ann Quimby
Nursing Staff Development Coordinator
Flower Hospital
5200 Harroun Road
Sylvania, Ohio 43560
(419) 824-1119
- h. Dr. R. E. Scherbarth
Medical Director of Physician Services
Flower Hospital
5200 Harroun Road
Sylvania, Ohio 43560
(419) 824-4968
- i. Jim Thielman
Engineer/Draftperson
Flower Hospital
5200 Harroun Road
Sylvania, Ohio 43560
(419) 824-1091
- j. Tim Smith
Carpenter
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5200 Harroun Road
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- k. Orville Wingert
Print Shop Volunteer
Flower Hospital
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(419) 824-2028
- l. Dr. Ernst Sternfeld
Physician
Flower Hospital
5200 Harroun Road
Sylvania, Ohio 43560
(419) 473-3561
- m. Noreen Wuertz
Laundry Supervisor
Flower Hospital Laundry
3350 Collingwood Avenue
Toledo, Ohio 43608
(419) 244-3091

n. Fred Holmes
Building Maintenance/Mechanic
Flower Hospital Laundry
3350 Collingwood Avenue
Toledo, Ohio 43608
(419) 255-5305

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these Requests and provide copies of all such documents.

Respondent conducted a diligent review of available historical documents which might reasonably be relevant to the preparation of the answers to the Information Requests, including, but not limited to, floor plans, corporate minutes, hospital statistic listings, check ledgers, contracts and policies and procedures. None of the documents which were reviewed provided any relevant information. No copies of these documents are being provided by Respondent at this time.

Respondent previously conducted its business at a hospital facility located at 3350 Collingwood Avenue, Toledo, Ohio. In March 1975, Respondent vacated the Collingwood Avenue hospital facility and relocated its facilities to its present location at 5200 Harroun Road, Sylvania, Ohio. Following the relocation, Respondent used the vacant Collingwood Avenue hospital facility for records storage, among other things.

In the spring of 1992, Respondent razed the vacant Collingwood Avenue hospital facility. Prior to razing, Respondent disposed of the majority of accumulated records stored at the vacant Collingwood hospital facility. Attached hereto as Exhibit A is a copy of an invoice from Allshreds Services Incorporated evidencing the destruction of in excess of 44 1/2 tons of paper during the period from January 16, 1992 to February 1, 1992.

As a result of the document disposal, some documents which might have been relevant to the Information Requests, if any, no longer are available to Respondent.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Requests or who may be able to provide additional responsive documents, identify such persons.

Presently unidentified commercial waste haulers who may have contracted with Respondent for removal of its waste.

4. List the EPA Identification Numbers of the Respondent.

OHO-054163209

5. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom.

Actions of owners and/or operators of the Site prior to, during and after the Relevant Period may have caused the release or threat of release of hazardous substances, pollutants or contaminants at the Site and damages resulting therefrom. Other parties, including but not limited to other recipients of these Information Requests, may have contributed to the release or threat of release of hazardous substances, pollutants, or contaminants at the Site and damages resulting therefrom.

During the time permitted to respond to these Information Requests, Respondent has been unable to obtain any more specific information which is responsive to this Request. However, Respondent's investigation of these matters is ongoing and. If any additional responsive information or documents are obtained by Respondent, these Responses will be supplemented.

6. Identify all persons having knowledge or information about the generation, transportation, treatment, disposal or other handling of material at the Site.

At present time, Respondent has been unable to identify any persons who have such knowledge or information. However, Respondent's investigation of these matters is ongoing. If any additional responsive information or documents are obtained by Respondent, these Responses will be supplemented.

7. Identify all persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials, including hazardous substances, at the Site. In addition, identify the following:

At present Respondent has no information as to the persons who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of waste materials at the Site.

Respondent believes that it may have made arrangements with one or more commercial waste haulers to remove its Hospital Waste from its premises. Respondent has located no information to identify with whom such arrangements may have been made, when such arrangements may have been made, where the Hospital Waste may have been taken after it left Respondent's facilities, the exact nature or quantity of waste, the final disposition of waste, or any other relevant information responsive to this Information Request. See also Respondent's answer to Request No. 2 above. However, Respondent's investigation of these matters is ongoing. If any additional responsive information or documents are obtained Respondent will supplement these Responses.

- a) The persons with whom you or such other persons made such arrangements;**

See answer to Request No. 7 above

- b) Every date on which such arrangements took place;**

See answer to Request No. 7 above

- c) For each transaction, the nature of the waste material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;**

During the Relevant Period, Respondent provided health care services. Respondent believes generally it purchased, used or otherwise handled Hospital Supplies. Hospital Waste likely was generated from the use of Hospital Supplies. Respondent believes that Hospital Supplies and Hospital Waste would have had the chemical content, characteristics and physical state normally associated with such materials. At present Respondent has been unable to obtain any more specific information which is responsive to this Request. However, Respondent's investigation of these matters is ongoing.

If any additional responsive information or documents are obtained Respondent will supplement these responses.

- d) The owner of the waste materials or hazardous substances so accepted or transported;

See answer to Request No. 7 above

- e) The quantity of the waste materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;

See answer to Request No. 7 above

- f) All tests, analyses, and analytical results concerning the waste materials;

See answer to Request No. 7 above

- g) The person(s) who selected the Site as the place to which the waste materials or hazardous substances were to be transported;

See answer to Request No. 7 above. Respondent believes that the waste haulers with whom Respondent may have contacted to remove Hospital Waste from its premises would have selected the site to which the waste may have been transported.

- h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;

See answer to Request No. 7 above

- i) Where the person identified in g., above, intended to have such hazardous substances or waste materials transported and all evidence of this intent;

See answer to Request No. 7 above

- j) Whether the waste materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;

See answer to Request No. 7 above

- k) What was actually done to the waste materials or hazardous substances involved in such transactions;

See answer to Request No. 7 above

- l) The final disposition of each of the waste materials or hazardous substances involved in such transactions;

See answer to Request No. 7 above

- m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the waste material and hazardous substance involved in each transaction.

See answer to Request No. 7 above

- n) The type and number of containers in which the waste materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the Site, and all markings on such containers;

See answer to Request No. 7 above

- o) The price paid for (i) transport, (ii) disposal or (iii) both of each waste material and hazardous substance.

See answer to Request No. 7 above

- p) All documents containing information responsive to a - o above or in lieu of identification of all relevant documents, provide copies of all such documents.

None

- q) All persons with knowledge, information or documents responsive to a - p above.

See Answer to Request No. 1 above

8. If your waste was not taken to the Stickney Avenue Landfill Site or the Tyler Street Dump Site during the period from 1951 to 1981, where were your wastes taken and how were they disposed?

As more fully explained in the answers to Request Nos. 1 through 7 above, after diligent inquiry Respondent has not been able to determine whether its Hospital Waste was transported to the Stickney Avenue Landfill, Tyler Street

Dump, or elsewhere. Respondent believes that some or all of its Hospital Waste was incinerated and the ashes from incineration, as well as non-incinerated Hospital Waste, may have been hauled away from Respondent's facilities by commercial waste haulers. The destination of this waste is unknown to Respondent. Medical waste and/or body parts may have been disposed of in local cemeteries. Certain recyclable solutions and valuable materials may have been reclaimed by salvage companies. At the present time Respondent has no information or documents which provide information as to where Respondent's waste may have been taken or how such waste was disposed of. However, Respondent's investigation into these matters is ongoing. If Respondent obtains information or documents which are responsive to these Information Requests, Respondent shall supplement these Responses.

AFFIDAVIT


STATE OF OHIO :
 : SS
COUNTY OF LUCAS:

William W. Glover, being first duly cautioned and sworn, deposes and states from his own knowledge and belief, that he is a responsible company official or representative of Flower Hospital, an Ohio non-profit corporation, and that, commensurate with the time permitted Flower Hospital to respond to the foregoing Requests for Information Pursuant to Section 104(e) of CERCLA for the Stickney Avenue Landfill and Tyler Street Dump Sites in Toledo, Ohio, a diligent record search has been completed and there has been a diligent interviewing process with present and former employees who my have knowledge of the operations, hazardous substance use, storage treatment, releases, spills, disposal or handling practices of Flower Hospital during the Relevant Period and that the Responses of Flower Hospital to the said Information Requests as set forth above are true and accurate to the best of affiant's knowledge and belief.



William W. Glover

Sworn to and subscribed in my presence this 30th day of September, 1993.



Notary Public

GARY O. SOMMER
Attorney At Law
Notary Public, State of Ohio
My Commission Has No Expiration Date
Section 147.03 R.C.